

***BYRON TOWNSHIP ZONING BOARD OF APPEALS
REGULAR MEETING – April 23, 2008
MINUTES***

The regular meeting of the Byron Township Board of Appeals was called to order by Chairman Abe VanderWoude on Wednesday, April 23, 2008, at 7:00 p.m. at the Byron Township Offices, 8085 Byron Center Ave. Byron Center, MI.

Members present were: Abe VanderWoude, Seymour Gould, James Haagsma, Jeff Brinks, & Kathy Burgess and alternate Doug Tubergen. Also present were Township Building Inspector Randy Zomerlei and Recording Secretary LaVonne Kuiper.

7:00 p.m. – CBS Outdoor Advertising - requesting a 373 sq ft., area variance (Section 17.6 (5)) and a 60’ setback variance from (Section 17.6 (4)) to construct a billboard for the property located at 7725 Caterpillar Dr. SW.

Mr. Jeff Brinks read the public notice and affirmed that the notice was published once in the South Advance and to all property owners within 300’ of the subject property were notified. No written responses were received.

Mike Hucul from CBS Outdoor Advertising was present to explain his variance request. He stated that the uniqueness of this property is the pie shape of the property, the retention basin and the off ramp prevents the functionality of the sign. The granting of this variance would allow the sign to be seen appropriately and in a safe manner.

Janet Hitts – representing Motel 6 - was present and she wanted to be assured that if this sign is approved that it would not obstruct the Motel 6 sign.

John Carlton – 7405 Cactus Cove read three quotes by various ZBA members, the first from an article taken out of the June 5th 2007 edition of the South Advance quoted by Jeff Brinks stating “we are bound by the ordinance regarding the size of the billboards” . The next was a statement made by Chairman VanderWoude at a Zoning Board of Appeals meeting and found in the minutes saying “we need to know the distance between signs.” And finally a comment made by Gould at a Zoning Board of Appeals meeting regarding billboard limitations and that the Township is at its limit for billboards. John continued to say that the Township already has more billboards per mile than what it allows. If the Township Ordinance says something it should be enforced. Someone should be responsible to follow up on variances that

have been granted with stipulations. Previously Mr. Hucul was required to supply a copy of the state permit approval for a billboard to be located at this site. Is there a copy on file? If so he would like to see that permit. When is this all going to stop? Be consistent!

Mike Hucul stated that he does have a copy of the state permit for the billboard that was approved.

No further public comments were made.

A motion was made by Haagsma supported by Gould to close the public portion of the meeting.

Chairman Vander Woude asked Mr. Hucul if he could see a copy of the permit from the state allowing a billboard at this location.

Mr. Hucul then showed the board members the permit from the state.

Gould commented this same request from Mr. Hucul has been before us at least three times and he can see nothing different to make him change his mind.

Brinks stated that when someone gets a permit from the state, the state only looks to see if the zoning is in compliance with the billboard. They look at nothing else.

It was the consensus of the Board to vote on each variance separately.

After some additional discussion a motion was made by Gould supported by Burgess to deny the request for a 373 sq ft., area variance.

Roll call vote: Burgess - yes. Brinks - yes. Haagsma - yes. Gould - yes. VanderWoude - yes. Motion carried. Variance denied.

Gould reminded everyone that a billboard is allowed on this property without getting a variance.

A motion was made by Gould supported by Burgess to deny the request for a 60' set back variance.

Roll call vote: Gould - yes. Brinks - no. Haagsma - no. Burgess - yes. VanderWoude - yes. Motion carried. Variance denied.

7:15 p.m. – Randy Van Dyke requesting a 156 sq ft., garage area variance for the property located at 8565 Freeland Ave. SW

Mr. Jeff Brinks read the public notice and affirmed that the notice was published once in the South Advance and mailed to all property owners within 300' of the property. There were no written responses.

Randy Van Dyke was present to explain the need for a variance. He would like to add a 3rd stall to his existing garage which will include an extra deep extension. This extension would put the garage over the allowed 1200 sq ft. He is a self employed builder and he will use this addition to store the tools of his trade. Since it is in the back of the existing garage it will not be seen from the road. With this addition he could remove the existing small accessory building from the site. He also stated that this variance is being requested to preserve the looks of his property and his neighbors.

No public comments were made.

A motion was made by Brinks supported by Burgess to close the public portion of the meeting.

Gould commented if we denied this request he is allowed to erect a new 150 sq ft. accessory building. He stated he would rather see the 3rd stall added to the garage than to see an out building. If we do approve this variance request we should not allow any accessory building to be built on this property in the future. Gould asked if there could be a way to put a statement on the home owners deed with a restriction stating that no accessory buildings will be allowed to be built on this property?

Brinks agreed because the variance stays with the property. So if the house is ever sold the new owner will know that no accessory building will be allowed due to the addition to the garage.

Everyone agreed that this addition would make the house look nice.

After some additional discussion a motion was made Burgess supported by Haagsma to grant the 156 sq ft., garage area variance with the following stipulations:

1. A deed restriction is to be recorded with Kent County saying that no outbuildings will be allowed to be erected on this property.
2. Proof of that deed restriction to be submitted to the building department prior to the issuant of a building permit.

Roll call vote: Haagsma - yes. Gould - yes. Burgess - yes. Brinks - no. VanderWoude - yes. Motion carried. Variance granted.

7:30 p.m. – Grand Rapids RV (Pete Smith) requesting a variance to have a non-paved outdoor storage area for the property located at 7329 & 7337 South Division.

Mr. Jeff Brinks read the public notice and affirmed that the notice was published once in the South Advance and mailed to all property owners within 300' of the property.

Don DeGroot from Exxel Engineering and Pete Smith from Grand Rapids RV were present. Don explained they are seeking to continue to use the existing non-paved area for storage plus a variance which requires 10 feet between parking/storage along the front and side lines located in the front yard setback. These unpaved areas would be used for storage of the inventory of RV's. The parking for employees and customers will be on the block top surface. This is a unique situation because it's existing and he would like to spruce up the area. He is moving his present business from Wyoming to Byron and will have jobs available.

Pete Smith commented that he was not aware that a variance would be needed. Many business' have gravel storage, such as RV World, Terrytown, Richmond Supply, Standby Power and American RV.

Chairman VanderWoude asked about the amount of inventory they intend to keep on the property.

Pete stated there will probably be around 100 units kept on site with 35 of those unites being displayed inside. All the buildings on the site will be used for inventory.

VanderWoude asked if they plan on doing any resurfacing.

Pete commented it would not be soon but would depend on the economy. RV sales is strong in the Grand Rapids area.

Brinks stated that he would be more concerned with this request if it were new construction. But since it's been this way for a long time, he can't see any real benefit to change something that has been like this for so long. We don't like to discourage a business from coming into our Township. We have not stepped out of place with actions we have taken in the past regarding gravel storage but we do have to put the pressure on the Planning Commission to address this issue.

After some additional discussion a motion was made by Haagsma supported by Gould to grant the variance to have a non-paved outdoor storage area with the condition that the applicant return in July of 2009 to the Board of Appeals to get the variance renewed.

Roll call vote: Brinks - yes. Gould - yes. Burgess - yes, VanderWoude - yes. Haagsma- yes. Motion carried. Variance granted.

A motion was made by Haagsma supported by Brinks to approve the black top parking space to remain as is.

Brinks made an amendment to the motion stating that if the parking lot is reconstructed it must comply with Byron Township Zoning Ordinance.

Roll call vote on the amendment:

Burgess - yes. Brinks - yes. Haagsma - yes. Gould - yes. VanderWoude - yes. Carried.

Roll call vote to add the amendment to the motion.

Burgess - yes. Brinks - yes. Gould - yes. Haagsma - yes. VanderWoude - yes. Carried.

Approval of Minutes – March 26, 2008

A motion was made by Haagsma supported by Brinks to approve the minutes as corrected.

Seymour Gould abstained. All voted aye. Motion carried.

Miscellaneous

► Jeff Brinks reminded the Board of the special Board of Appeals meeting which is scheduled for Thursday, May 8, 2008 at 5:00 p.m.

► Randy Zomerlei questioned the Zoning Ordinance regarding display/storage areas. The ordinance does not specifically address “storage areas”. The Board does feel that there is a distinction between the two and that the Planning Commission should look into this.

Adjournment

8:25 p.m. It was moved by Gould supported by Brinks to adjourn the meeting. All voted aye. Motion carried.

Jeff Brinks
Secretary of Board of Appeals